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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,247

11/13/2003

Charles E. Boyer

VER-01

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33072

7590

08/25/2006

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EXAMINER

CAPUTO, LISA M

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/713,247	Applicant(s) BOYER, CHARLES E.	
	Examiner Lisa M. Caputo	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Case Status

1. Receipt is acknowledged of the appeal brief filed 2 June 2006. After an appeal brief consultation and further consideration, the finality of the last office action is withdrawn, prosecution on the merits is reopened, and this non-final office action is being submitted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wankmueller (U.S. Patent No. 6,857,566) in view of Nishikado et al. (U.S. Patent No. 6,572,025, from hereinafter "Nishikado").

Regarding claims 1, 8, and 16, Wankmueller teaches a high-security transaction card including account representation information for an entity comprising a card body having a perimeter and at least one face (payment card 10), and at least one information symbol (barcode 20 encoded with at least one or more digits of the payment account number) comprising a symbolic representation of coded data including the account representation information wherein the symbol is located within the perimeter of the face of the card and where the information encoded is not otherwise represented in human-readable

Art Unit: 2876

form on the card body so that the identification can only be made by decoding the symbol. Regarding claim 4, Wankmueller teaches the use of a conventional payment card, which is made of materials which are disposable (i.e. cardboard and plastic). Further regarding claim 8, Wankmueller teaches the use of an optical barcode reader at the point of sale terminal which is able to read the code, generate a signal indicative of the symbol, and further decode the symbol so that the information can be transferred back to human readable information (see Figure 1, col 3, lines 29-35 and col 3 line 65 to col 4 line 25).

Regarding claims 1, 8, and 16, although Wankmueller does indeed teach the use of a barcode symbol, Wankmueller fails to teach the use of a two dimensional binary symbol (i.e. two-dimensional barcode) and reader.

Nishikado teaches a high-security transaction card (ID card 305) that comprises at least one two-dimensional binary information symbol (two dimensional codes 306a-306d for coding name, signature, and the like) comprising a symbolic representation of coded data (see Figures 12-15, col 22 line 55 to col 23 line 40 and col 24). Further, Nishikado discloses that as a barcode reading device, an image scanner can be adopted. Nishikado discloses an information code reading apparatus (140) for reading information codes from an information code product with a code-including image which includes a unit of information codes with a specific color, in a desired region at a desired position, comprises: an image capturing member (141) for capturing data of the code-including image on the product (e.g., bar code sticker 101), an information code extracting member (142) for extracting the information codes by extracting an

Art Unit: 2876

image with the specific color from the data of the code-including image captured by the image capturing member, and a decoding member (143) for decoding the information codes extracted by the information code extracting member (see Figure 5, col 17, lines 1-20).

In view of the teaching of Nishikado, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the use of a two-dimensional binary code and a reader for the code, because a two-dimensional code is able to store more information within a card and hence is more cost effective (i.e. the code can store more pertinent data such as name, address, account information etc.). Also, a two-dimensional code is also able to maintain a shape that is easy for scanning because it stores information in both horizontal and vertical directions.

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wankmueller as modified by Nishikado and further in view of Tahan (U.S. Patent Application Publication No. 2002/0111830). The teachings of Wankmueller as modified by Nishikado are above.

Regarding claims 5-7, Wankmueller as modified by Nishikado fails to specifically teach the high-security card in the embodiments of a library patron identification and circulation control card, a building access card, or a medical information and patient history card.

Tahan teaches the use of an access code 54 for a medical patient including information which can be provided on a bracelet 52, or encoded onto a card 56 in the form of a barcode (see Figure 3, paragraphs 39-40).

Art Unit: 2876

In view of the teaching of Tahan, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the high-security card in different embodiments because it is favorable to be able to add additional security to many different objects in order to retain customer information safely. It is favorable to maintain customer information safety so that the overall system can run efficiently (i.e. the customer's assets are protected, as well as the business' assets). Although Tahan teaches of a medical patient card, it is well known in the art that the realm of identification cards includes building access cards and library patron cards (i.e. these identification cards are all art-recognized equivalents).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 4-8, and 16 have been considered but are moot in view of the new ground(s) of rejection. Examiner has provided new prior art in the form of Nishikado, Wankmueller, and Tahan in order to overcome the limitations of the claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (571) 273-8300.

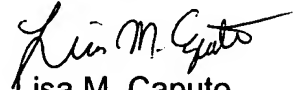
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[lisa.caputo@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or

Art Unit: 2876

exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lisa M. Caputo

AU 2876

August 20, 2006